



## 2003 ASSEMBLY BILL 579

October 15, 2003 - Introduced by Representatives SCHNEIDER, BOYLE and HINES.  
Referred to Committee on Insurance.

1     **AN ACT to amend** 40.51 (8), 40.51 (8m), 66.0137 (4), 111.91 (2) (n), 120.13 (2) (g),  
2           185.981 (4t), 185.983 (1) (intro.) and 609.88; and **to create** 166.35 and 632.895  
3           (15) of the statutes; **relating to:** health insurance coverage of vaccinations  
4           against small pox, anthrax, and other diseases caused by biological agents of  
5           potential terrorist attacks and granting rule-making authority.

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### *Analysis by the Legislative Reference Bureau*

This bill requires health care plans to cover the cost of vaccinations against small pox, anthrax, and any other disease or biological malfunction that is caused by a biological agent specified by the Division of Emergency Management in the Department of Military Affairs as having the potential for use in terrorist attacks. The coverage requirement applies to both individual and group health insurance policies and plans, including defined network plans (formerly called managed care plans in the statutes) and cooperative sickness care associations; to health plans offered by the state to its employees, including a self-insured plan; and to self-insured health plans of counties, cities, towns, villages, and school districts. The requirement specifically does not apply to limited-scope benefit plans, such as vision or dental plans, or to policies covering only certain specified diseases. The requirement may be subject to any limitations, exclusions, or cost-sharing provisions that apply generally under the policy or plan.

The bill requires the Division of Emergency Management to specify by rule biological agents that have the potential for use in terrorist attacks. A biological

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agent is generally defined as a microorganism, pathogen, or infectious substance that is capable of causing disease or other biological malfunction, including death, in a human.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 40.51 (8) of the statutes is amended to read:

2           40.51 **(8)** Every health care coverage plan offered by the state under sub. (6)  
3 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8)  
4 and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.87 (3) to  
5 (5), 632.895 (5m) and (8) to ~~(14)~~ (15), and 632.896.

6           **SECTION 2.** 40.51 (8m) of the statutes is amended to read:

7           40.51 **(8m)** Every health care coverage plan offered by the group insurance  
8 board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747,  
9 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, and 632.895 (11) to ~~(14)~~ (15).

10          **SECTION 3.** 66.0137 (4) of the statutes is amended to read:

11          66.0137 **(4)** SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or  
12 a village provides health care benefits under its home rule power, or if a town  
13 provides health care benefits, to its officers and employees on a self-insured basis,  
14 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),  
15 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5),  
16 632.895 (9) to ~~(14)~~ (15), 632.896, and 767.25 (4m) (d).

17          **SECTION 4.** 111.91 (2) (n) of the statutes is amended to read:

18          111.91 **(2)** (n) The provision to employees of the health insurance coverage  
19 required under s. 632.895 (11) to ~~(14)~~ (15).

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1           **SECTION 5.** 120.13 (2) (g) of the statutes is amended to read:

2           120.13 **(2)** (g) Every self-insured plan under par. (b) shall comply with ss.  
3 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),  
4 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) to ~~(14)~~ (15), 632.896, and  
5 767.25 (4m) (d).

6           **SECTION 6.** 166.35 of the statutes is created to read:

7           **166.35 Rules specifying biological agents of terrorist attacks. (1)** In  
8 this section, "biological agent" means any microorganism; including a bacterium,  
9 virus, fungus, rickettsia, or protozoan; pathogen; or infectious substance; or any  
10 naturally occurring, bioengineered, or synthesized component of a microorganism,  
11 pathogen, or infectious substance; that is capable of causing disease or other  
12 biological malfunction, including death, in a human.

13           **(2)** The division shall promulgate rules that specify biological agents that have  
14 the potential for use in terrorist attacks.

15           **SECTION 7.** 185.981 (4t) of the statutes is amended to read:

16           185.981 **(4t)** A sickness care plan operated by a cooperative association is  
17 subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85,  
18 632.853, 632.855, 632.87 (2m), (3), (4), and (5), 632.895 (10) to ~~(14)~~ (15), and 632.897  
19 (10) and chs. 149 and 155.

20           **SECTION 8.** 185.983 (1) (intro.) of the statutes is amended to read:

21           185.983 **(1)** (intro.) Every such voluntary nonprofit sickness care plan shall be  
22 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,  
23 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93,  
24 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853,  
25 632.855, 632.87 (2m), (3), (4), and (5), 632.895 (5) and (9) to ~~(14)~~ (15), 632.896, and

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1 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association  
2 shall:

3 **SECTION 9.** 609.88 of the statutes is amended to read:

4 **609.88 Coverage of immunizations.** Defined network plans are subject to  
5 s. 632.895 (14) and (15).

6 **SECTION 10.** 632.895 (15) of the statutes is created to read:

7 632.895 (15) COVERAGE OF VACCINATIONS RELATED TO BIOTERRORISM. (a) Subject  
8 to par. (b) and except as provided in par. (c), every disability insurance policy, and  
9 every self-insured health plan of the state or a county, city, village, town, or school  
10 district, shall provide coverage of the cost of vaccines, and of administration of the  
11 vaccines, against all of the following:

12 1. Small pox.

13 2. Anthrax.

14 3. Any other disease or biological malfunction that is caused by a biological  
15 agent that the division of emergency management specifies by rule under s. 166.35  
16 as having the potential for use in a terrorist attack.

17 (b) The coverage required under this subsection may be subject to any  
18 limitations, exclusions, or cost-sharing provisions that apply generally under the  
19 disability insurance policy or self-insured health plan.

20 (c) This subsection does not apply to any of the following:

21 1. A disability insurance policy that covers only certain specified diseases.

22 2. A health care plan offered by a limited service health organization, as defined  
23 in s. 609.01 (3), or by a preferred provider plan, as defined in s. 609.01 (4), that is not  
24 a defined network plan, as defined in s. 609.01 (1b).

25 **SECTION 11. Initial applicability.**

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1 (1) This act first applies to all of the following:

2 (a) Except as provided in paragraphs (b) and (c), disability insurance policies  
3 that are issued or renewed, and self-insured health plans that are established,  
4 extended, modified, or renewed, on the effective date of this paragraph.

5 (b) Disability insurance policies covering employees who are affected by a  
6 collective bargaining agreement containing provisions inconsistent with this act  
7 that are issued or renewed on the earlier of the following:

8 1. The day on which the collective bargaining agreement expires.

9 2. The day on which the collective bargaining agreement is extended, modified,  
10 or renewed.

11 (c) Self-insured health plans covering employees who are affected by a  
12 collective bargaining agreement containing provisions inconsistent with this act  
13 that are established, extended, modified, or renewed on the earlier of the following:

14 1. The day on which the collective bargaining agreement expires.

15 2. The day on which the collective bargaining agreement is extended, modified,  
16 or renewed.

17 **SECTION 12. Effective date.**

18 (1) This act takes effect on the first day of the 6th month beginning after  
19 publication.

20 (END)